

October 18, 2005

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: WC Docket No. 04-36  
WC Docket No. 05-196

Dear Ms. Dortch:

I am writing on behalf of Telenor Satellite Services, Inc. ("Telenor") to point out an apparent inconsistency in the Commission's Enhanced 911 ("E911") requirements and to request the Commission's guidance in dealing with this anomaly.

As the Commission is aware, Telenor and its predecessor COMSAT Mobile Communications have provided satellite communications services to customers for many years. Initially we provided only mobile satellite ("MSS") services via the Inmarsat satellite system, but we now provide fixed satellite ("FSS") services as well, using satellite systems such as Intelsat and New Skies. Currently, we are installing some Ku-band terminals on ships that, among other things, can provide interconnected VoIP capability. That would seem to trigger the requirement to comply with the Commission's recent Order in the above-referenced proceeding,<sup>1</sup> e.g., by including E911 as a standard (and mandatory) feature of VoIP service,<sup>2</sup> and by notifying customers of the limitations of that service compared to "traditional" E911.<sup>3</sup>

However, in a previous E911 order,<sup>4</sup> the Commission exempted MSS carriers from complying with 911 requirements to the extent they provide maritime (and aeronautical) services. There, the Commission stated that "[P]assengers and crews of ships at sea rely on Global Marine Distress and Safety System ("GMDSS") for emergency and distress, while passengers and crews of airplanes use other radiocommunication channels for emergency

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<sup>1</sup> In the Matters of IP-Enabled Services [and] E911 Requirements for IP-Enabled Service Providers, First Report and Order and Notice of Proposed Rulemaking, FCC 05-116 (rel. June 3, 2005) ("2005 Order").

<sup>2</sup> 2005 Order at ¶ 37.

<sup>3</sup> *Id.* at ¶ 48.

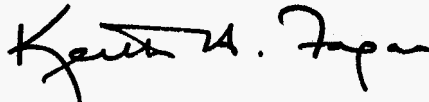
<sup>4</sup> In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Report and Order and Second Further Notice of Proposed Rulemaking, FCC 03-290 (rel. Dec. 1, 2003) ("2003 Order").

assistance. We do not see any need to require MSS carriers to provide more than one form of emergency access service. Maritime and aeronautical users already use other forms of emergency service (such as GMDSS) and overlay of a 911 emergency system *may introduce unnecessary confusion.*<sup>5</sup>

The terminals in question are technically FSS, not MSS, *but they will be operating in the maritime environment*, where customers “already use other forms of emergency service.” In particular, these customers use Inmarsat terminals to access the GMDSS system. GMDSS is probably the most sophisticated worldwide emergency distress system in use today. Moreover, unlike 911, it is specifically designed to deal with emergency situations arising at sea. Thus, although it would be technically feasible for Telenor to comply with the 2005 Order,<sup>6</sup> we believe that the 2003 Order should take precedence, and that the overriding concern here should be the avoidance of unnecessary confusion on the part of our maritime customers.

In the past, whenever Telenor has put any equipment on a ship that was not GMDSS-compliant, we have always made it clear to our customers that such equipment was for business and personal use only and *not* for distress and safety. Because maritime safety is of paramount concern, we think the same approach should apply here. However, we do not want to take this step without notifying the Commission and receiving its guidance. Accordingly, Telenor respectfully requests the Commission to confirm that its 2005 Order does not apply to VoIP-capable FSS terminals operating in the maritime environment when such terminals are installed aboard vessels that are already equipped with GMDSS emergency service equipment.

Respectfully submitted,



Keith H. Fagan  
Senior Counsel  
Telenor Satellite Services, Inc.

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<sup>5</sup> 2003 Order at ¶27 (emphasis added).

<sup>6</sup> Compliance would require some software development, but the terminals in question have GPS capability, and our customer care operators are already trained to handle 911 calls from our Inmarsat land mobile customers.